



CITY OF MEMPHIS

COUNCIL AGENDA

January 4, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (December 21, 2004)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 15, Section 1-5, Code of Ordinances, City of Memphis to provide for the disposal of personal property discarded onto City right-of-ways, easements or property owned or maintained by the City after an eviction or setout and the disposal of personal property abandoned or left on premises, up for F I R S T reading.
- Holt Ordinance No. 5091

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE- SECOND READING

2. **ORDINANCE** establishing meeting dates for City Council Meetings in 2005, up for S E C O N D reading.
- Brown Ordinance No. 5090

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCE - SECOND READING (none)

ENGINEERING

3. **RESOLUTION** accepting GLEN LAKES PD, PHASE 2 and authorizing release of bond.
- Case No. PD 01-320cc
(Contract No. CR-4867)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Houston Levee Road, 2507.85 feet south of Morning Sun Road. The standard improvement contract was approved on May 4, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$2,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving final plat of CLARK TOWER SUBDIVISION (Resubdivision of Lot 2).

Case No. S 04-053

Resolution approves the final plat located on the north side of Poplar. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

5. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 04-333

Located on the northwest corner of Channel 3 Drive and Riverside Drive, containing 6.19 acres in Parcels III and IV of the Founders Pointe Planned Development (P.D. 91-308)

Applicant: The Bryan Company
Ronald Harkavy – Representative

Request: Amend Parcel III and IV to permit: 1) Two 16-Story Towers; 2) One 4-story Townhouse development with an attached 5-story parking garage, a maximum of 350 dwelling units total

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 04-367
(Companion Case: SAC 04-622)

Located +153 feet north of the intersection of Island Club Drive and Island Place East, containing 14.95 acres in the Light Industrial (I-L) & Light Industrial Flood Plain (I-L{FP}) Districts

Applicant: Kevin Hyneman/Jeff Bronze
W.H. Porter Consultants, PLLC - Representative

Request: Planned Development to permit 106 single family detached homes with a minimum lot size of 3,100 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 04-368 – Germantown – Forty Planned Development

Located on the east side of N. Germantown Parkway; +/-337.78 feet north of Bellevue Parkway, containing 1.15 acres in the Multiple Dwelling Residential (R-ML) District

Applicant: 474 Club, LLC & CRS Investments, LLC
Prime Development Group, Inc. – Representative

Request: Planned Development to permit Planned Commercial (C-P) District uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. S 04-051 – Bartlett Rappahannock Subdivision

Located on the northeast corner of Rappahannock Drive and Bartlett Road

Appellant: Robert and Kimberly Yates
Frank Palumbo – Representative

Request: Appeal to overturn action of the Land Use Control Board which requires dedication of fifty three (53) feet from centerline of Bartlett Road and improve in accordance with Subdivision Regulations

LUCB recommendation: APPROVAL, with five (5) conditions (required dedication of fifty three (53) feet from centerline and improve in accordance with Subdivision Regulations)

OPD recommendation: APPROVAL, with four (4) conditions and one (1) variance

E. Case No. S 04-054 – Summit Subdivision

Located on the west side of Lamar Avenue (U.S. Highway 78); ±1,100 feet north of Holmes Road, containing 5.253 acres in the Vacant, Light Industrial (I-L) District

Appellant: Summit Distribution Center, LLC
Reaves Firm, Inc. – Harvey Marcom – Representative

Request: Appeal to overturn action of the Land Use Control Board, which requires the dedication and improvement of necessary right-of-way to accomplish the proposed improvements to U.S. Highway 78 (Lamar Avenue) in accordance with Subdivision Regulations as illustrated on the attached “Property Map” from the State of Tennessee Department of Transportation (TDOT) dated 6/27/03

LUCB and OPD recommendation: APPROVAL, with eight (8) conditions

F. Case No. SAC 89-018 – Lily Lane

Located at the Intersection of Lily Lane and Highland Avenue

Applicant: Lily Lane Homeowner Association

Request: Approval of a revised street closure area for Lily Lane

LUCB and OPD recommendation: Take whatever action Council deems appropriate

G. Case No. SAC 04-622 – Hall Road
(Companion Case: PD 04-367)

Beginning on the east side of Island Place East and proceeding westwardly +584.48 feet therefrom, containing 2.1 acres

Applicant: Riverpoint Development Co., LLC
W.H. Porter Consultants, PLLC – Representative

Request: Close Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

H. Case No. U.V. 04-15

Located on the northside of W. Virginia Avenue; +137.5 feet west of Kentucky Street, containing 0.06 acre in the Riverbluff Residential (RB) District

Applicant: Kentucky Data Link
Homer Branan – Representative

Request: Booster Station for Fiber Optic Cable Transmission Service

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 18, 2005



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FISCAL CONSENT

DIVISION OF HOUSING & COMMUNITY DEVELOPMENT

6. RESOLUTION authorizing the sale of City owned vacant land at 481 Simpson to Pilgrim Rest Charitable Association in the amount of \$500.00.

Ford

Director of Housing & Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION authorizing the sale of City owned vacant lat at 272 Jacoby to Willie E. Martin in the amount of \$300.00.

Ford

Director of Housing & Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION authorizing the sale of City owned vacant land at 1075 Barton to Charles J. Cannon in the amount of \$200.00.

Ford

Director of Housing & Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION authorizing the sale of City owned vacant land at 504 E. McLemore to Pilgrim Rest Charitable Association in the amount of \$1200.00.

Ford

Director of Housing & Community Development recommends approval

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

10. RESOLUTION approving Renewal of Contract No. 10673, Facilities Location Services, with Health Consultants, Inc. in an estimated funded amount of \$1,008,156.80.
11. RESOLUTION approving Renewal of Contract No. 10877, Wireless Telephone Service, with Nextell Communications in an estimated funded amount of \$93,181.92.
12. RESOLUTION awarding 12-month contract for electric meter pedestals to Tennessee Valley Electric Supply Company in the amount of \$399,000.00, approximately.
13. RESOLUTION authorizing payment in the amount of \$25,000.00 to Mid-South Minority Business Council for the 2005 Memphis Business Academy's fiscal year budget.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

14. RESOLUTION dedicating Hawthorne Street between Rosebud Lane and Vollintine as “Mr. William Marion Larsha Street”.

Mitchell

ACTION REQUESTED: Adopt the resolution

15. APPOINTMENTS

Marshall

Civil Service Commission

Odell Horton, Jr. – Appointment

Memphis & Shelby County Convention Center Commission

Wayne D. Tabor - Reappointment

GENERAL ORDINANCE - THIRD AND FINAL READING (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

16. RESOLUTION authorizing acceptance from the Federal Government of a “public benefit transfer” of real property located at Dunn Field and the former Memphis Defense Depot, said property is to be used by the Memphis Area Transit Authority. (Held from 11/23)

Jones

Resolution authorizes the acceptance of approximately 34 acres of real property located on the south end of Dunn Field from the United States of America as a “public benefit transfer”. The property is being conveyed to be used for a potential new rail and/or bus multimodal transportation facility. The Federal Government is addressing the environmental conditions of the property and is to provide a Finding of Suitability to Transfer “FOST”. Resolution also authorizes the proper City officials to review and approve and the Mayor to execute the related instruments to effect a closing on behalf of the City of Memphis Area Transit Authority.

Memphis Area Transit Authority recommends approval

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

17. RESOLUTION appropriating \$250,000.00 in Architect Engineering from PK01013, Gaisman Community Center to Architect Engineering for design costs of locker and multi-purpose room improvements in CIP Project Number PK10001, Liberty Bowl Improvements, funded by G.O. Bonds General.
- McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

18. RESOLUTION appropriating \$97,792.00 for Miscellaneous Paving executed through the open ended contract with Ferrell Paving, Inc., funded by G.O. Bonds General, CIP Project Number PD04002, Repave Police Facilities.
- Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

19. RESOLUTION authorizing the execution of a lease agreement with Vulcan Construction Materials, LP for certain lands on Presidents Island, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 24, 2004.
- Sammons Contract No. CR-4915

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

20. RESOLUTION appropriating \$30,000.00 in G.O. Bond Funds for Front and Carolina Street, PW01049 for construction contract with EnviroRem, Inc.
- Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

21. **JOINT ORDINANCE** readopting #5028AM, adopted by the Shelby County Board of Commissioners on May 28, 2004 and the Council of the City of Memphis on July 6, 2004; so as to make certain technical and formatting corrections therein, up for T H I R D and F I N A L reading.
- Peete Ordinance No. 5087
Case No. ZTA 03-002cc

Applicant: Memphis & Shelby County Office of Planning & Development
Mary Baker – Representative

Request: To readopt Ordinance #5028AM, to make technical and formatting corrections by deleting text and providing for modifications on the following pages: 6, 13, 17, 20, 22, 24, 26, 27 and 28

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

22. RESOLUTION approving a planned development located on the south side of Latting Road; +276.45 feet east of Pisgah Road, containing 36-98 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-363cc

Applicant: Latting Road Partners, LLC
Michael Fahy, Prime Development, LLC – Representative

Request: A planned development to permit 71 single family detached lots with a minimum lot size of 9,700 square feet within the plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES MAILED DECEMBER 17, 2004

23. RESOLUTION approving a planned development located on the northeast corner of Tchulahoma Road and Holmes Road, containing 86.15 acres and is currently governed by Memphis Trade Center 4 Planned Development and Agricultural (AG) District.

Peete

Case No. PD 04-371

Applicant: Industrial Development International (IDI)
Armstrong-Allen, PLLC – Representative

Request: Planned Development to permit two (2) office/warehouse buildings a total of 963,900 square feet in area within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

92 NOTICES MAILED ON DECEMBER 23, 2004

24. RESOLUTION approving a street/alley closure Beginning at Sax Avenue, extending 847 feet eastwardly to the west of right-of-way line of Travis Avenue, containing 12,705 square feet.

Peete

Case No. SAC 04-618

Applicant: Promaster Construction Services on behalf of New Gilfield M.B. Church
Bill Holt, Contractor & Bennie Brown, Atty.

Request: Close Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

97 NOTICES MAILED ON DECEMBER 23, 2004

25. RESOLUTION approving a street/alley closure Located on the south side of Georgia Avenue; +/-150 feet east of S. Main Street, containing 20,473 square of feet (Area of R.O.W.) and 342' X 60' feet (Length x Width of R.O.W.), in the South Main (SM) District.

Peete

Case No. SAC 04-619

Applicant: Front Row Development, LLC
Tetra Tech, Inc. – Representative

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

23 NOTICES MAILED ON DECEMBER 23, 2004

ADJOURNMENT